

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**DECISION AND ORDER**

v.

19-CR-133-A

JUSTIN D. CUSIMANO,

Defendant.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On February 23, 2021, defendant Justin D. Cusimano appeared before Magistrate Judge Schroeder and entered a plea of guilty to Count 7 of the Indictment which charges defendant with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

Magistrate Judge Schroeder issued a Report and Recommendation (Dkt. No. 205) confirming his oral findings that defendant's plea of guilty was knowing, voluntary, and supported by a factual basis. It is hereby

**ORDERED** that, upon review of the transcript of the February 23, 2021, change-of-plea proceeding before the Magistrate Judge, and the Report and Recommendation, the Court finds that defendant Cusimano's plea of guilty was knowing, voluntary, and has a factual basis. Accordingly, defendant Cusimano's plea of guilty is accepted based upon the oral findings of the Magistrate Judge as confirmed in the written Report and Recommendation. Dkt. No. 205. Sentencing is scheduled for July 15, 2021 at

12:30 pm. The parties are directed to the Court's forthcoming Text Order for the submission of sentencing documents.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 8, 2021